

MAY 18 2006

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FACSIMILE TRANSMITTAL SHEET

TO: Examiner Andy Ho, AU # 2194	FROM: Thomas L. Evans
COMPANY: United States Patent & Trademark Office	DATE: May 18, 2006
FAX NUMBER: (571) 273-8300	TOTAL NO. OF PAGES (INCLUDING COVER SHEET): 6
YOUR REFERENCE No.: Application No.: 09/625,989	OUR REFERENCE (C/M) No.: Atty. Docket No.: 005156.00011
RE: Terminal Disclaimer	

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NAME: Thomas L. Evans Reg. # 35,805 **PHONE:** (503) 425-6800

COMMENTS:

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Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4918).**FEE TRANSMITTAL
for FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130.00

Complete if Known

Application Number	9/625,989
Filing Date	July 26, 2000
First Named Inventor	Timothy Brown
Examiner Name	Andy Ho
Art Unit	2194
Attorney Docket No.	005156.00011

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____

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FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description	Small Entity Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims		
Extra Claims		
Fee (\$)		
Fee Paid (\$)		
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims		
Extra Claims		
Fee (\$)		
Fee Paid (\$)		
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(a).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
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4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Terminal Disclaimer Fee**Fees Paid (\$)**

130

SUBMITTED BY

Signature	<i>Thomas L. Evans</i>	Registration No. (Attorney/Agent)	35, 805	Telephone	503-425-6800
Name (Print/Type)	Thomas L. Evans			Date	May 18, 2006

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/21 (05-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/625,999	
	Filing Date	July 28, 2000	
	First Named Inventor	Timothy Brown	
	Art Unit	2194	
	Examiner Name	Andy Ho	
Total Number of Pages in This Submission	4	Attorney Docket Number	005156.00011

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): - Terminal Disclaimer - Fax Cover Sheet
Remarks Please charge any fees that are necessary to maintain to the pendency of this application, including any fees under 37 CFR §1.16 or §1.17, to deposit account number 19-0733.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Thomas L. Evans, Reg. No. 35, 805
Signature	<i>Thomas L. Evans</i>
Date	May 18, 2006

CERTIFICATE OF MAILING/TRANSMISSION

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Typed or printed name	Thomas L. Evans		
Signature	<i>Thomas L. Evans</i>	Date	May 18, 2006

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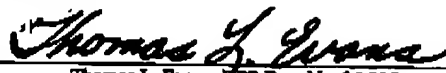
MAY 18 2006

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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office at telephone number (571) 273-8300 on May 18, 2006.

Respectfully submitted,

By:



Thomas L. Evans, PTO Reg. No. 35,805
BANNER AND WITCOFF, LTD.

Atty. Docket No.
005156.00011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Of: Timothy Brown

U.S. Pat. App. No.: 09/625,989

Filed: July 26, 2000

For: A Method For Using A Floating Pallet
For A Digital Asset Management System In
A Plurality Of Different Applications

Examiner: A. Ho

Group Art Unit: 2194

SUBMISSION OF TERMINAL DISCLAIMER

Commissioner for Patents
P.O. Box 1450,
Alexandria, Virginia 22313-1450

Sir:

On March 21, 2006, Examiner Andy Ho telephoned the undersigned to indicate that the pending claims in this application were allowable over the art of record. Examiner Ho further indicated, however, that it was his intention to issue a double-patenting rejection of the pending claims over the claim in U.S. Patent No. 6,931,407 to Timothy Joel Brown, entitled "System For Using A Floating Pallet For A Digital Asset Management System In A Plurality Of Different Applications," issued August 16, 2005.

U.S. Pat. App. No.: 09/625,989
Atty. Docket No.: 005156.00011

Applicant respectfully traverses this anticipated rejection. In an effort to expedite prosecution of this application, however, Applicant is concurrently submitting a Terminal Disclaimer addressing this anticipated rejection. Applicant therefore submits that the anticipated rejection over U.S. Patent No. 6,931,407 is moot.

In view of the attached Terminal Disclaimer, Applicant respectfully urges this application is now in immediate condition for allowance. Favorable action in this regard is courteously requested at the Examiner's earliest convenience.

Respectfully submitted,

By: Thomas L. Evans
Thomas L. Evans, Reg. No. 35,805

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Date: May 18, 2006

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PTO/SB/26 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
005156.00011In re Application of: **Timothy BROWN**Application No. **09/625,989**Filed: **July 26, 2000****For: A METHOD FOR USING A FLOATING PALLET FOR A DIGITAL ASSET MANAGEMENT SYSTEM
IN A PLURALITY OF DIFFERENT APPLICATIONS**

The owner, Extensio, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,931,407 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

- expires for failure to pay a maintenance fee;
- is held unenforceable;
- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
- has all claims canceled by a reexamination certificate;
- is reissued; or
- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record. Reg. No. 35,805



May 18, 2006

Signature

Date

Thomas L. Evans

Typed or printed name

(503) 425-6800

Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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